

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Helen Terndrup	Team: Team # 6	CCRB Case #: 200803611	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 02/27/2008 5:30 PM	Location of Incident: § 87(2)(b)		Precinct: 104	18 Mo. SOL 8/27/2009	EO SOL 8/27/2009
Date/Time CV Reported Wed, 03/12/2008 10:30 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 03/12/2008 10:30 AM		
Complainant/Victim	Type	Home Address			
Witness(es)	Home Address				
Subject Officer(s)	Shield	TaxID	Command		
1. POM Anthony Wright	21501	935991	104 PCT		
Witness Officer(s)	Shield No	Tax No	Cmd Name		
1. POF Maritza Mendez	04169	907722	104 PCT		
Officer(s)	Allegation			Investigator Recommendation	
A.POM Anthony Wright	Abuse: PO Anthony Wright entered § 87(2)(b) in Queens.				

Synopsis

§ 87(2)(b) contacted the CCRB by phone on March 12, 2008, to file this complaint. § 87(2)(b) stated that on February 27, 2008, at approximately 5:30 p.m., she was at her home with her younger son, § 87(2)(b) at § 87(2)(b) in Queens, when two officers responded to her neighborhood to arrest her older son, § 87(2)(b) in regards to a complaint filed by a neighbor. She alleged that during this incident, the two officers, identified as PO Anthony Wright and PO Maritza Mendez, entered her home without her consent [Allegation A]. § 87(2)(g)

§ 87(2)(g)

Summary of Complaint

§ 87(2)(b) is a § 87(2)(b)-old Hispanic female who has brown hair and brown eyes. She is 5'3" tall and weighs approximately 132 pounds. § 87(2)(b) provided a phone statement to the investigation on March 19, 2008 [encl. 5a]. On March 25, 2008, § 87(2)(b) was interviewed at the CCRB [encl. 6a-c]. § 87(2)(g)

On February 27, 2008, between 5:00 p.m. and 6:00 p.m., § 87(2)(b) was at her home at § 87(2)(b) in Maspeth, Queens. § 87(2)(b) was in her kitchen, and her mother, § 87(2)(b) was sitting in the living room. § 87(2)(b) stated that her mother is disabled and would have difficulty providing a statement about the incident to the investigation. Her § 87(2)(b)-old son, § 87(2)(b) was upstairs in his bedroom. While she was in the kitchen, § 87(2)(b) heard the front door of her home being pushed open (she stated this door is often left unlocked). § 87(2)(b) was expecting her § 87(2)(b)-old son § 87(2)(b) to arrive soon and initially assumed that the person entering was § 87(2)(b). However, when she heard her dog bark at the open door from the living room, she realized that the person opening the door was not § 87(2)(b). § 87(2)(b) stated that her mother did not have a clear view of the front door from where she was sitting, but in the kitchen, § 87(2)(b) observed the front door opening into the house. Through the glass plane on the door, she could see a figure opening the door and was able to tell that it was not § 87(2)(b) because the person was taller and had a darker complexion. After the dog barked, the figure pulled the door shut again. § 87(2)(b) then heard a knock at the door. She approached the door and opened it to observe an officer, identified as PO Anthony Wright, standing on her stoop.

§ 87(2)(b) provided a different narrative regarding this in her initial phone call to the CCRB on March 12, 2008, when she stated that both PO Mendez and PO Wright came to her home and entered it without permission and then questioned her son § 87(2)(b). In her CCRB interview, she described only PO Wright pushing the door open into her home, and did not place PO Mendez at the scene at all.

In her CCRB interview, § 87(2)(b) stated that after she opened the door, PO Wright asked her if her son § 87(2)(b) was home and if he could speak to him. He also asked her to put the dog into a room and close the door. § 87(2)(b) affirmed that her son § 87(2)(b) was home and went to go get him. She closed the door, telling the officer, "Just give me one second." When she returned to the front door with § 87(2)(b), PO Wright had walked away. § 87(2)(b) gathered up the papers related to the complaint she had filed regarding § 87(2)(b) and then walked down the street to talk to the officers while § 87(2)(b) remained in the house. § 87(2)(b) approached the officers and tried to explain to them the details of the ongoing dispute between § 87(2)(b) and § 87(2)(b). PO Mendez told § 87(2)(b) that the current incident had nothing to do with the prior disputes between § 87(2)(b) and § 87(2)(b). When § 87(2)(b) again tried to explain the ongoing dispute to PO Mendez, PO Mendez interrupted her, telling her to "shush." § 87(2)(b) asked PO Wright what PO Mendez's name was, and he said, "PO Mendez."

§ 87(2)(b) described PO Wright as a black male, about 5'9" to 6'0" tall, with a muscular build, dressed in uniform. She read the name "PO Wright" on the nameplate of his shield. She described PO Mendez as a Hispanic female, about 5'2" to 5'3" tall, with a heavy-set build, dressed in uniform.

Results of Investigation

§ 87(2)(b) the younger son of § 87(2)(b) is a § 87(2)(b)-old Hispanic male who resides with his mother at § 87(2)(b) in Queens. On May 9, 2008, § 87(2)(b) provided a phone

statement to the CCRB [encl. 7a]. § 87(2)(b) stated that on February 27, 2008, at approximately 5:30 p.m., he was in his bedroom at his home when he heard the doorbell ring. § 87(2)(b) walked into the living room to see who was there. His mother, § 87(2)(b) was standing in the living room as well. § 87(2)(b) saw a police officer who was standing outside open the door about three seconds after the doorbell had rung. When the § 87(2)(b) dog began barking, the police officer closed the door immediately. The door was open so briefly that § 87(2)(b) did not get a good look at the officer, and was only able to describe him as a dark-skinned male. After the officer closed the door, § 87(2)(b)'s mother walked outside to speak with the officers, and § 87(2)(b) then returned to his bedroom.

Attempts to Contact § 87(2)(b)

The investigation attempted to contact § 87(2)(b) by phone five times between April 10, 2008, and July 2, 2008. Voicemail messages were left for § 87(2)(b) and one message was left with § 87(2)(b) wife. Two letters were sent to § 87(2)(b) during this time period as well. § 87(2)(b) made no attempt to contact the CCRB. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

PO Anthony Wright, 104th Precinct

PO Anthony Wright is a § 87(2)(b)-old black male who has black hair and brown eyes. He is 5'8" tall and weighs 195 pounds. He is assigned to the 104th Precinct. PO Wright provided his first statement regarding this incident in his memo book, which records that at 5:23 p.m., he received a report of a past robbery near the intersection of Remsen Place and Grand Avenue [encl. 8a-c]. At 6:11 p.m., one male was placed under arrest at the intersection of 64th Street and Perry Avenue. The male's name was § 87(2)(b) and his date of birth was § 87(2)(b). His arrest number was § 87(2)(a) 160.50, § 87(2)(b). PO Wright provided another statement in the complaint report for the incident, § 87(2)(a) 160.50

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

On June 3, 2008, PO Wright was interviewed at the CCRB [encl. 12a-b].

On February 27, 2008, PO Wright was working a 1500 x 2335 tour. His partner was PO Maritza Mendez, and they were assigned to patrol sector CKM in a marked patrol car, RMP 2041. They were dressed in uniform. At approximately 5:23 p.m., PO Wright and PO Mendez received a radio run for a report of a past robbery. PO Wright and PO Mendez responded to the intersection of Remsen Place and Grand Avenue, which was the original site of the complaint. They spoke with the victim of the robbery, identified as § 87(2)(b). § 87(2)(b) told the officers that someone had stolen his skateboard. The officers returned to their car and then began driving around the neighborhood, looking for the perpetrator.

§ 87(2)(b) identified the perpetrator a few blocks away, near the intersection of 64th Street and Perry Avenue. PO Wright and PO Mendez stopped their car and approached the perpetrator, identified as § 87(2)(b). They asked § 87(2)(b) if he had had a confrontation with § 87(2)(b).

While the officers were speaking to § 87(2)(b) his mother, § 87(2)(b) walked outside and approached the officers at the corner. PO Wright stated that he believed he saw PO Mendez speaking to § 87(2)(b) but did not recall further details of this conversation. When § 87(2)(b) father arrived at the scene, the officers explained the situation and § 87(2)(b) father insisted that § 87(2)(b) be arrested. At that point, PO Wright arrested § 87(2)(b).

PO Wright stated that he never went to § 87(2)(b) home to try to find him, and did not respond to his mother's home at § 87(2)(b) that day. PO Wright stated that he did not knock on any doors in order to find § 87(2)(b) and did not conduct any further interviews in conducting his investigation. PO Wright denied knocking on § 87(2)(b)'s door at § 87(2)(b). He stated that he and PO Mendez remained together throughout the incident and did not split up at any point.

PO Maritza Mendez, 104th Precinct

PO Maritza Mendez is a § 87(2)(b)-old white Hispanic female who has brown eyes and brown hair. She is 5'4" tall and weighs 200 pounds. PO Mendez is assigned to the 104th Precinct. She provided her memo book entry for the incident, which records that at 5:23 p.m. on February 27, 2008, PO Mendez and

PO Wright responded to a radio code 10-20 for a past robbery near the intersection of Remsen Place and Grand Avenue in Queens [encl. 13a-c]. At 6:11 p.m. one arrest was made for the robbery near the intersection of 64th Street and Perry Avenue. On July 7, 2008, PO Mendez was interviewed at the CCRB [encl. 14a-b].

On February 27, 2008, PO Mendez was working a 1500 x 2335 tour. She was dressed in uniform and assigned to patrol sectors CKM with PO Anthony Wright in RMP 2041. At approximately 5:23 p.m., PO Mendez and PO Wright responded to a radio code 10-20 at Remsen Place and Grand Avenue. When they arrived at the scene, they spoke with two young males who were approximately twelve years old, one of whom was the victim of the robbery, identified as § 87(2)(b) § 87(2)(b) stated that someone he knew, a male of about 20 years old, had stolen his skateboard. He also told the officers that he knew where the person lived. PO Mendez and PO Wright began following the two boys to the home of the perpetrator, but when they reached the corner of 64th Street and Perry Avenue, a third boy arrived and told the officers that the perpetrator, identified as § 87(2)(b) was coming down the block. The officers approached § 87(2)(b) and spoke with him about the incident. PO Mendez stated that § 87(2)(b) was compliant and cooperative with the officers. Because § 87(2)(b) met the officers on the street, they did not continue on to his home.

After the officers had been speaking with § 87(2)(b) for a while, § 87(2)(b) the mother of § 87(2)(b) walked down the block and approached them. PO Mendez stated that she did not remember if § 87(2)(b) had already been placed under arrest at the time that § 87(2)(b) arrived. PO Mendez did not remember if § 87(2)(b) had been carrying any papers or court documents. She stated that § 87(2)(b) was very rude and that the officers asked her to leave after she had been there for about three or four minutes. § 87(2)(b) left at that point and did not return to the scene. The officers did not see § 87(2)(b) § 87(2)(b)'s younger son, § 87(2)(b) at any point during the incident.

The father of § 87(2)(b) arrived later in the incident, after § 87(2)(b) had already left. PO Mendez did not remember if the officers had called § 87(2)(b) to the scene by phone or if one of § 87(2)(b) § 87(2)(b) friends had gone to get his father. PO Mendez stated that she and PO Wright did not split up at any point during the incident. The sergeant who arrived to verify the arrest, identified as Sgt. Hoehl, arrived at the scene after § 87(2)(b) had already left.

Police Documents

The Tour 3 roll call for the 104th Precinct for February 27, 2008, shows that PO Wright and PO Mendez were assigned to patrol sectors CKM in RMP 2041 [encl. 15a-g].

The command log for the 104th Precinct shows that PO Wright brought § 87(2)(b) into the stationhouse as an arrest at approximately 6:20 p.m. He was taken to Queens Central Booking at 12:05 a.m. the following morning [encl. 16a-i].

Court Documents

§ 87(2)(a) 160.50
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Complainant/Victim Criminal Conviction History

§ 87(2)(b) [REDACTED]

Civilian CCRB History

This is § 87(2)(b)'s first CCRB complaint [encl. 3a].

Police Officer CCRB History

The CCRB has not substantiated any allegations against PO Wright in his three years of service to the NYPD [encl. 2a].

Conclusions and Recommendations

Identification of Subject Officer

§ 87(2)(b) identified PO Wright by reading the name on his nameplate during the incident. She learned PO Mendez's name in this way as well. PO Wright confirmed that he spoke to § 87(2)(b) during this incident, but denied visiting her home. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Undisputed and Disputed Facts

It is undisputed that PO Anthony Wright and PO Maritza Mendez affected the arrest of § 87(2)(b) near the intersection of 64th Street and Perry Avenue, and that his mother, § 87(2)(b), spoke with the officers at that corner during the arrest. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Assessment of Evidence

In her first phone statement to the CCRB, § 87(2)(b) alleged that "the officers" entered her house without her permission and then questioned her son § 87(2)(b). However, in her subsequent statements, § 87(2)(b) alleged only that PO Wright had been at her door and had opened the door, and she described PO Wright asking to speak to her son § 87(2)(b) but stated that PO Wright had left by the time that she brought § 87(2)(b) to the door. § 87(2)(g)

First, § 87(2)(b) described hearing the doorbell ring before the door opened, while § 87(2)(b) had stated that she did not hear the officer knock or ring the doorbell before he opened the door. Secondly, § 87(2)(b) stated that he walked downstairs to see who was at the door when he heard the doorbell ring and then saw PO Wright through the door at that time, while § 87(2)(b) stated that § 87(2)(b) was not downstairs when PO Wright opened her door and that she had to walk upstairs to his bedroom to get him after PO Wright asked for him.

PO Wright and PO Mendez disputed that PO Wright had responded to § 87(2)(b) and each stated that they did not split up at any point during the incident. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation A) Abuse of Authority: PO Anthony Wright entered § 87(2)(b) in Queens.

In her initial phone call to the CCRB, § 87(2)(b) alleged that PO Wright and PO Mendez entered her home without her permission. She revised her description of this entry during her CCRB interview, stating instead that PO Wright only opened her door, breaking the plane of her doorway with one arm. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Investigator:

Date:

Supervisor:

Date:

Reviewed by:

Date:

Reviewed by:

Date: